

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 04-10117-RWZ
)	
DARREN FRANKLIN)	

GOVERNMENT'S MOTION FOR EXCLUDABLE DELAY

The United States of America respectfully moves that the time period between January 13, 2006 and March 9, 2006 be excluded from calculation for purposes of the Speedy Trial Act. January 13, 2006 marks the 30th day following the Court's taking the Defendant's motion to suppress under advisement, at which time the Speedy Trial Clock began ticking. *See* 18 U.S.C. §3161(h)(1)(J). March 9, 2006 is the date of filing of the Defendant's motion to dismiss, at which time the Speedy Trial stopped ticking. *See* 18 U.S.C. §3161(h)(1)(F). The Government will respond to that motion in a separate filing. During this time period, while the Court has been conducting an unrelated jury trial, the parties have been awaiting the Court's decision on a motion to suppress evidence, while preparing for trial. Given the complicated and unusual nature of proceedings in this case, the superseding indictments and informations, the consequences of conviction, the multiple hearings on the factual and legal issues related to that motion, the various bases of warrantless search authority at issue, and the impact of such a ruling on the legal strategies of the parties, this most recent period should be excluded for Speedy Trial Act purposes. *See* 18 U.S.C. §3161(h)(8)(A) and (B)(ii, iv).

Accordingly, such an exclusion would serve the ends of justice and is not outweighed by the best interests of the public and defendant in a speedy trial, and the Government respectfully requests such time be excluded pursuant to 18 U.S.C. §3161(h)(8)(A).

Counsel for the defense does not assent to this motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Alope S. Chakravarty
ALOE S. CHAKRAVARTY
SABITA SINGH
Assistant U.S. Attorneys

Date: March 13, 2006

CERTIFICATE OF SERVICE

I hereby certify that I have discussed this matter with counsel, and this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 13, 2006.

/s/ Alope Chakravarty
ALOE CHAKRAVARTY
ASSISTANT UNITED STATES ATTORNEY